

6

*England — Laws and Statutes*Anno Regni 1477 *18.*

GEORGII II.

R E G I S.

Magnæ Britannia, Francia, & Hibernia,
N O N O.

At the Parliament begun and holden at *West-*
minster, the 14th Day of *January*, Anno Dom.
 1734. in the Eighth Year of the Reign of our
 Sovereign Lord *GEORGE* the Second, by the
 Grace of *GOD*, of *Great Britain, France, and*
Ireland, King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Fifteenth
 Day of *January*, 1735. being the second Session of this present
 Parliament.



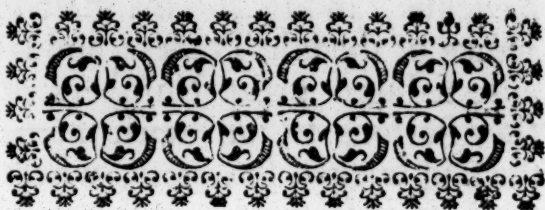
E D I N B U R G H,

Printed by **ROBERT FREEBAIRN** His
 Majesty's Printer. **MDCCXXXVI.**



An
ba
th
R
an
th

V
the
desti
hibi
vers
sons
on, a
nicio
pen



Anno nono
Georgii II. Regis.

An Act for indemnifying Persons who have been guilty of Offences against the Laws made for securing the Revenues of Customs and Excise, and for enforcing those Laws for the future.

W H E R E A S, notwithstanding the several Laws already made to prevent the unlawful importing and clandestine landing and running of prohibited and uncustomed Goods, divers wicked and evil disposed Persons have of late not only carried on, and do still continue, such pernicious and illegal Practices, in open Defiance of the Laws, to the
A 2
Preambles
great

great Diminution of the publick Revenue, and to the manifest Prejudice of the fair Traders, and likewise seduced great Numbers of other Persons to join with them in the said wicked Practices, whereby the Evil is become so general, that it is necessary that some further Provision should be made for effectually preventing the same; yet nevertheless, as there may be some Hope that many of the said Persons, who have been unwarily seduced, as aforesaid, may be reclaimed by Grace and Clemency from offending in the like Manner for the future, therefore for the Quiet and Ease of His Majesty's Subjects, who may have been guilty of such Offences, and that such of them as are not yet become incorrigible, being freed from their Fears and Apprehensions, may be induced to leave off their illegal Practices, and to return to their lawful Callings and Occupations, and that such Persons as shall after such an Act of Indulgence, and so publick a Warning, presume to commit any of the said Offences, may be left without Excuse, and be brought to Justice, and duly punish-

Ann
punish
serve
that
enact
lent
vice
ritual
mons
assem
of th
His M
Maje
their
nistr
befor
April
thou
six, I
Forfe
destin
ping,
ny p
Merc
Good
the I
or eit
may
on, c
ver,
or fo
ning,
cealin

punished, as their Crimes shall deserve, may it please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Persons His Majesty's Subjects of this His Majesty's Realm of *Great Britain*, their Heirs, Executors, and Administrators, and every of them, who before the Twenty seventh Day of *April*, in the Year of our Lord One thousand seven hundred and thirty six, have incurred any Penalty or Forfeiture in, by, or for the clandestine running, landing, unshipping, concealing, or receiving, any prohibited Goods, Wares, or Merchandizes, or any foreign Goods liable to the Payment of the Duties of Customs and Excise, or either of them, and who are, or may be subject to any Information, or other Prosecution whatsoever, for the Duties of such Goods, or for the Penalties for the running, landing, unshipping, concealing, or receiving thereof, or

Persons having incurred any Penalty by clandestine running of Goods, &c. before 27 April, 1736.

making
false En-
tries of
Goods,

or abusing
Officers,
&c. in-
demnified,

Anno Regni nono Georgii II. Regis.

for the making of any false Report or Entry of the Loading of any Ship or Vessel, inwards or outwards, or for making any Report or Entry in a wrong Name or Names, or for not reporting any such Ship or Vessel, or for breaking Bulk before making such Report or Reports, or for altering the Package of any Goods on Board any Ship or Vessel, or for landing of any Goods without the Presence of an Officer, or for staving or otherwise destroying or spoiling any Goods at or after the Seizure thereof by any Officer of the Customs or Excise, or other Person duly authorized to make such Seizure, and any Persons who have beat, abused, obstructed, or hindred, any Officer of the Customs or Excise in the due Execution of their Duty, or who have given or offered a Bribe to any Officer of the Customs or Excise, and all Persons aiding, assisting, and abetting in the committing any of the said Offences, shall be and are by the Authority of this present Act acquitted, indemnified, released, and discharged against the King's Majesty, His Heirs, and Successors, and against

Ann
again
and
Corp
cers
ever
said
Act
priz
nalt
Out
men
incu
may
by
Offe
Thi
and
A
all
ject
selv
put
tor
this
Act
the
Th
acq
wit
any
tin
Jud

against all and every other Person and Persons, Bodies Politick and Corporate, and any Officer or Officers of the Customs or Excise, and every of them, of and from all the said Offences, (not in this present Act hereafter excepted, and foreprized) and of and from all Penalties, Forfeitures, Indictments, Outlawries, Convictions, and Judgments, not herein after excepted, incurred, had, or given, or that may or might arise or accrue for or by Reason or Means of any the said Offences, or other Matters or Things herein before mentioned and expessed.

And be it further enacted, That all and every of His Majesty's Subjects may by him, her, or themselves, or by his, her, or their Deputy or Deputies, Attorney or Attornies, according to the Laws of this Realm, plead and insist on this Act of Indemnity for his, her, or their Discharge, of or for any Thing that is by virtue of this Act acquitted, released, or discharged, without any Fee or Payment to any Person or Persons for the writing or entring of such Plea, or the Judgments thereupon, but only

and may
plead this
Act for
their Dis-
charge,
paying
only 1 s.
4 d. for
entring
the Plea,

Anno Regni nono Georgii II. Regis.

Sixteen Pence to the Clerk or Officer who shall enter such Plea or Matter for Judgment, or the Party's Discharge, in that behalf; any Law, Custom, or Usage, to the contrary notwithstanding.

and stop-
ping all
Proceed-
ings
brought
against
Officers or
their As-
sistants
concern-
ing the
same.

Provided always, and be it further enacted by the Authority aforesaid, That all and every Person and Persons, who shall take, receive, or be intitled to any Benefit or Advantage by vertue of this present Act of Indemnity, either by pleading or insisting on the same, in any Court of Justice, or otherwise, and who hath, or (before he, she, or they shall claim the Benefit of this present Act) shall have brought, commenced, or prosecuted any Action, Plaint, or Information, Indictment, or other Prosecution whatsoever, against any Officer of His Majesty's Customs or Excise, or against any Person or Persons who shall or may have been aiding or assisting to any such Officer, for or concerning any Matter, Cause, or Thing done or committed by such Officer, or by any Person or Persons aiding or assisting him, on Occasion, or for, or by Reason or Means of any of the Offences,

Anno

Offence
demeanor
Thing
released
fore
shall
Plea,
Benefit
absolute
such
nue a
staid
matic
fecut
or co
An
if an
claim
after
men
com
Infor
wha
His
or of
ded
or c
Thi
or a
for,
of
mea

Anno Regni nono Georgii II. Regis.

Offences, Trespasses, Frauds, Misdemeanors, or other Matters or Things by this Act intended to be released and discharged, shall, before such Time as he, she, or they shall be admitted to make such Plea, as aforesaid, or to take any Benefit or Advantage of this Act, absolutely release and discharge such Action or Actions, discontinue and cause all Proceedings to be staid in all and every such Informations, Indictments, and other Prosecution and Prosecutions brought or commenced, as aforesaid.

And be it further enacted, That if any Person or Persons, who shall claim the Benefit of this Act, shall, after such Claim, bring or commence, or cause to be brought or commenced, any Action, Complaint, Information, or other Prosecution whatsoever, against any Officer of His Majesty's Customs, or Excise, or other Person who shall have aided or assisted any such Officer, for or concerning any Act, Matter, or Thing done or committed by them, or any of them, on Occasion of, or for, or by Reason or Means of any of the Offences, Frauds, Misdemeanors, or other Matters or Things intended

Officers discharged, and may recover Costs against Persons claiming the Benefit of this Act, and yet afterwards prosecuting them.

intended to be released and discharged by this Act, such Claim is, and shall be deemed to be an absolute Discharge and Release to such Officer, or other persons, of and from all and every such Actions, Suits, and Prosecutions; and such Officer or other persons may plead the General Issue, and give the special Matter in Evidence; and the said Officer or other person shall recover his Costs of Suit against the person or persons so bringing or commencing such Action or Prosecution.

Persons
having
the Bene-
fit of this
Act, being
after-
wards
guilty of
the like
Offences,
liable to
be prose-
cuted for
both for-
mer and
new Of-
fence, and
for Smug-
ling Bonds,
&c.

Provided also, and be it further enacted by the Authority aforesaid, That all and every person and persons, who shall take, receive, or be intitled to the Benefit of this present Act of Indemnity, and shall afterwards be guilty of, or commit any of the Offences, Trespasses, Frauds, or Misdemeanors, as are herein before mentioned, or hereby intended to be acquitted, released, or discharged, or any of the Offences hereafter in this Act to be mentioned or expressed, shall be subject and liable to be prosecuted, not only for or in Respect of such new Offence by him, her, or them

them committed, but shall also for and in respect of the said Offences committed before the making this Act, and for and in respect of all Bonds and Securities by them or any of them given to His Majesty, or to any person or persons for His Majesty's Use, commonly called *Smuggling Bonds*, be subject and liable to all and every the same Pains, Penalties, Forfeitures, and Actions, for Duties of Customs or Excise, and Actions upon the said Bonds and Securities, as he, she, or they would have incurred, or been subject or liable to, in Case this Act had never been made; any Thing herein contained to the contrary thereof notwithstanding.

Provided also, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to acquit, release, or discharge any Judgment or Judgments, where the Monies or other Things recovered have been actually levied or taken in Execution before the making of this Act; nor shall the same extend, or be construed to extend, to acquit, release, or discharge any Judgment or Judgments, in respect to such Part there-

This Act
not to discharge
any Judgment for
Monies actually
levied,

northe In-
formers
Part of the
Penalty.

thereof as belongs to the Informer, or such person or persons who hath or have joined with His Majesty in such Suit or Suits, wherein such Judgment or Judgments hath or have been obtained, unless and until such person or persons, who would take the Benefit of this Act, shall pay to such Informer, or other person or persons, the full Costs of such Suit or Suits, in which such Judgment or Judgments shall have been obtained.

Persons
now lia-
ble to be
transport-
ed for any
such Of-
fences,
commit-
ting the
like after
claiming
the Bene-
fit of this
Act to suf-
fer Death.

Provided also, and be it further enacted by the Authority afore-
said, That if any Person or Persons, who hath committed, or been guilty of any of the Offence or Offences herein before mentioned, for which any such Person or Persons is or are by any Law or Statute now in being liable to be transported as a Felon or Felons, shall, for any of the said Offences, take or receive the Benefit of this present Act, and shall afterwards be guilty of, or commit any of the said Offences, for which he, she, or they is or are now liable to be transported, as aforesaid; then all and every such Person and Persons (being duly convicted of or for a-
ny

ny of the said Offences hereafter to be committed, as aforesaid; and upon due Proof made that such Person or Persons had committed any of the same Offences before the making this Act, and had taken or received the Benefit thereof for his, her, or their Discharge) shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Provided also, That all Persons, ^{Persons} who have compounded with, or ^{neglect-} agreed to pay any Sum of Money ^{ing to pay} by way of Composition to His Majesty, or to the Lords Commissioners of His Majesty's Treasury, or ^{Composi-} to any of the Barons of the Exchequer, or to the Commissioners ^{tion Mo-} of the Customs or Excise respectively for the Time being, on His Majesty's Behalf, for or in respect of any of the above mentioned Offences, or for the Forfeitures or Penalties arising thereby, shall make good such Compositions or Agreements as have been by them respectively made, or, in Default thereof, all and every such Persons shall be excluded and deprived of and from all Benefit and Advantage of this Act : *Excepted* and fore-
pri-

Excepted
out of this
Act, all
Seizures
of Goods,
Vessels,
&c.

Money
due on En-
try of
Goods,

or Bond;

prized out of this Act, all Seizures of prohibited and uncustomed Goods and other Goods, and all Seizures of Ships, Vessels, Boats, Horses, or other Cattle or Carriages, liable to be seized and forfeited by any Law in being relating to His Majesty's Revenues of Custom or Excise, for and in respect of the Forfeiture and Condemnation of such Goods only; and also saving and excepted out of this present Act unto His Majesty, His Heirs, and Successors, all Customs, Duties, and Sums of Money due and owing from any person or persons, for or upon the Entry or lawful Importation of any Goods, Wares, or Merchandizes; and all and every Debts and Sums of Money due to His Majesty from any person or persons, upon any Bond, Obligation, or other Contract or Agreement whatsoever, touching or concerning the lawful landing or importing any Goods, Wares, or Merchandizes, or the Customs or other Duties due or payable for the same; and all Bonds and Obligations given by any Officer or Officers of the Customs or Excise to His Majesty, or any of his Predecessors, or to any other

An
othe
of,
fty
savin
Heir
Duc
to H
spe
ney
Prec
pon
Cert
any
was
tain
ture
ny r
men
or M
ther
for a
Exc
able
chan
is an
or I
any
Wch
P
enac
Tha
give

Anno Regni nono Georgii II. Regis.

other person or persons for the Use of, or in Trust for His said Majesty or his Predecessors; and also saving to His said Majesty, His Heirs, and Successors, all Debts, Dues, and Demands, due or owing to His said Majesty, for or in respect of any Sum or Sums of Money by him or any of His Royal Predecessors at any Time paid upon any Debenture or Debentures, Certificate or Certificates, where any such Debenture or Certificate was wrongfully or fraudulently obtained, or where the same Debenture afterwards became void by any relanding of the Goods therein mentioned, or by any other Way or Means whatsoever; and all other Debts, Dues, and Demands, for and in respect of the Customs, Excise, and other Duties chargeable on any Goods, Wares, or Merchandizes, concerning which there is any Action, Information, Suit, and Appeal, or Prosecution now depending in any of His Majesty's Courts at *Westminster*, or elsewhere.

Provided nevertheless, and be it enacted by the Authority aforesaid, That in case any Judgment shall be given for His Majesty, His Heirs, or

Treasury or Successors, in any Suit or Suits
 may com- depending in any of His Majesty's
 pound in Courts at *Westminster*, or elsewhere,
 Cases where on the Eleventh Day of *May*, One
 Judgment thousand seven hundred and thirty
 was given six, for the Recovery of any Debts,
 for His Dues, or Demands, due or owing
 Majesty to His said Majesty, for or in re-
 on 11 *May*, spect of any Money paid by him
 1736. re- or His Royal Predecessors, upon
 lating to any Deben- ture or Debentures, or
 Deben- Certificate, or Certificates, where
 tures, &c. any such Deben- ture or Certificate
 was wrongfully or fraudulently ob-
 tained, or where the same became
 void by relanding the Goods there-
 in mentioned, or by any other
 Ways or Means whatsoever; it
 shall and may be lawful to and for
 the Commissioners of His Maje-
 sty's Treasury, or any Three or
 more of them, or the Lord High
 Treasurer for the time being, in
 case he or they shall think fit, to
 compound for, release, or dis-
 charge the same, notwithstanding
 any Appropriation thereof by any
 Act or Acts of Parliament, but so
 as all such Monies, which shall a-
 rise or be received by virtue of any
 such Composition, shall be applied
 in such Manner, and to such Uses,

as

Anno Regni nono Georgii II. Regis.

17

as the original Debts, Dues, or Demands recovered by such Judgments are or would be applicable, if this Act had not been made, or in a ratable Proportion, where the same Debts, Dues, and Demands are applicable to different Uses.

And whereas divers dissolute and disorderly Persons frequently appear in great Gangs near the Sea Coasts and the Shores of navigable Rivers, and in and about the Towns and Villages adjacent thereto, and in divers other parts of this Kingdom, carrying Fire-arms or other offensive Weapons, to the great Terror of His Majesty's Subjects, and the Hindrance of the Civil Officers, and the Officers of the Customs and Excise in the Execution and Discharge of their Duty, and during their Abode there commit great Spoil and Devastation to the Estates thereabouts, in order to be aiding and assisting in the clandestine running, landing, or carrying away prohibited and uncustomed Goods, and to rescue the same after Seizure from the Officers of the Customs or Excise, and to watch for proper Opportunities for that purpose: And whereas several

B

Officers

Officers of the Revenue and others their Assistants have been wounded, maimed, and some of them murdered in the Execution of their Office, and great Quantities of run Goods have been rescued after Seizure, and Sheriffs and other Civil Officers have been forcibly hindered from the Execution of process; for preventing thereof, be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of *June*, in the Year of our Lord One thousand seven hundred and thirty six, upon Information to be given upon Oath before any one or more of His Majesty's Justices of the Peace in any County, City, or Liberty whatsoever, that any Persons, to the Number of Three or more, are, or have been, after the said Twenty fourth Day of *June*, One thousand seven hundred and thirty six, assembled for any of the Purposes aforesaid, and are or have been, after the said Twenty fourth Day of *June*, armed with Fire-arms or other offensive Arms or Weapons, such Justice or Justices of the Peace shall and may grant his or their Warrant to the Constables,

Head-

After 24
June 1736.
any Justice, on
Information upon
Oath, that
3 or more
Persons
are as-
sembled
together,
armed
with Fire-
arms, &c.
may grant
a Warrant
for apprehending
them.

Headboroughs, and other Peace Officers whatsoever, or any of them, requiring such Officer and Officers respectively to take to his or their Assistance as many of His Majesty's Subjects as may be thought necessary for the apprehending all and every Person and Persons, against whom such Information shall be given, as aforesaid, and such Justice or Justices of the Peace shall and may (if upon due Examination he or they find cause) commit all and every or any of the said Person and Persons to the next County Goal, there to remain without Bail or Mainprize untill he, she, or they shall be discharged by due Course of Law; and all and every such Person and Persons, upon due Proof of his, her, or their being assembled and armed, as aforesaid, in order to be aiding and assisting in the clandestine running, landing, rescuing, or carrying away prohibited or uncustomed Goods, and upon Conviction of and for such Offence shall be adjudged guilty of Felony, and shall be transported as a Felon or Felons to some or one of His Majesty's Colonies or Plantations in

and commit them to the County Goal; upon Conviction of their being assembled to assist in the running of Goods, they shall be transported for 7 Years, as other Felons by the Acts 4 & 6 G. I.

Anno Regni nono Georgii II. Regis.

America, there to remain for the Space of Seven Years, in the same Manner as Felons are appointed to be transported by an Act made in the fourth Year of the Reign of His late Majesty King George the First, of Glorious Memory, intituled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool, and for declaring the Law upon some Points relating to Pirates*, and by another Act made in the Sixth Year of the Reign of his said late Majesty, intituled, *An Act for the better preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons*, and if any such Offender or Offenders shall return into *Great Britain* or *Ireland* before the Expiration of the said Term, contrary to the Intent and Meaning hereof, he or they so returning shall suffer as Felons, and have Execution awarded against them as Persons attainted of Felony without Benefit of the Clergy.

And for the better Discovery and apprehending all and every the said Offender and Offenders, be

Persons
returning
before the
Expira-
tion of
such Term,
to suffer
Death.

be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, one thousand seven hundred and thirty six, all and every Person or Persons, who shall apprehend and take any Person or Persons guilty of any of the Offences last before mentioned, shall have and receive for every such Offender who shall be convicted of any such Offence, the Sum of Fifty Pounds, to be paid in such Manner as herein after is mentioned, immediately after such Conviction and Demand thereof made, by tendering a Certificate under the Hand or Hands of the Judge or Judges before whom such Offender or Offenders shall be convicted, certifying the Conviction of such Offender or Offenders, and that he, she, or they were taken by the Person or Persons claiming the said Reward; and that if any Person or Persons shall happen to lose any Limb, or an Eye, or be otherwise maimed or dangerously wounded in the apprehending, or in the endeavouring to apprehend, or making pursuit after any such Offender or Offenders,

50 l. Reward for apprehending.

50 l. to Persons maimed in apprehending,

and 50 l.
to the Exec-
utors of
Persons
killed in
apprehen-
ding such
Offend-
ers.

ders, all and every person and persons so maimed or wounded, as aforesaid, shall, upon such Conviction as aforesaid, have and receive the Sum of Fifty Pounds, over and above any other Reward that he or they shall be intitled to by virtue of this Act; and that in Case any person or Persons shall happen to be killed in the taking or apprehending, or endeavouring to apprehend, or in making pursuit after any such Offender or Offenders, that then the Executors or Administrators of such person or persons so killed as aforesaid (upon Certificate delivered under the Hands and Seals of the Justice or Justices of Assize for the County where the Fact was done, or the Two next Justices of the Peace, of such person or persons being so killed, which Certificate the said Justice or Justices, upon sufficient Proof before him or them made, is and are hereby required immediately to give without Fee or Reward) shall have and receive the Sum of Fifty Pounds, over and above any other Reward that the person or persons so killed, his or their Executors

cutors or Administrators shall or may be intituled to by virtue of this Act.

And be it further enacted, That ^{Offenders} if any of the said Offender or discover-
Offender shall, within Three ^{ing 2 or} Months after such his, her, or ^{more Ac-}
their Offence, and before his, ^{complices,} 3 Months
her, or their Conviction, disco- ^{after the} ver Two or more of his, her, or ^{Offence, to}
their Accomplices therein, to the ^{the Com-} Commissioners of the Customs or ^{missioners}
Excise in *England* or *Scotland* re- ^{of the Cu-} spectively, so as they, or Two of ^{stoms,}
them at least, be convicted of such ^{&c. to be} Offence, the Offender or Offenders ^{discharg-}
so discovering, shall have and re- ^{ed, and} ceive the Sum of Fifty Pounds ^{intituled to}
for every such Offender so disco- ^{50 l. Re-} vered and convicted, as a Reward ^{ward.}
for such his, her, or their Disco-
very, and every such Person so
discovering shall be clearly acquit-
ted and discharged of such his, her,
or their Offence; all which said
Rewards shall be paid in such
Manner as herein after is men-
tioned.

And whereas the Laws in being
have hitherto proved insufficient
for preventing the carrying pro-
hibited and uncustomed Goods

Two or
more Per-
sons found
passing to-
gether,
within 5
Miles of
the Sea,
or a navi-
gable Ri-
ver, with
Horse,
Cart, &c.

loaden
with 6 lb.
of Tea,
5 Gall. of
Brandy or
other Spi-
rits, &c.
not having
paid the
Duty,

and bear-
ing Offen-
sive Arms,
or being
masked,
&c. to be

through the Country with an armed Force, for Remedy thereof be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of *June*, One thousand seven hundred and thirty six, all Persons, who, to the Number of Two or more in Company, shall be found passing within Five Miles from the Sea Coasts, or from any navigable River, with One or more Horse or Horses, or with any Cart or Carriage, whereon there shall be laden or put more than Six Pounds of Tea, or Brandy or other Spirits exceeding the Quantity of Five Gallons, not having paid the Duties by Law charged thereon, and not having a Permit for the same, or any other Foreign Goods or Commodities above the Value of Thirty Pounds *Sterling*, landed from any Ship or Vessel without the due Entry and Payment of the Duties by Law charged thereon, and shall carry any offensive Arms or Weapons, or wear any Vizard, Mask, or other Disguise, when passing with such Goods and Commodities, as aforesaid, or shall forcibly hinder, obstruct, assault, oppose,

Anno
oppo
cers
the
prob
Good
the I
be d
ners
mod
Mea
men
of t
jesty
tule
desti
Dan
prez
rent
ot
Pla
othe
the
tho
ma
rits
dirt
dul
cha
of
Du
the
said

oppose, or resist any of the Officers of the Customs or Excise in the seizing or securing any Sort of prohibited, uncustomed, or run Goods or Commodities, or other the Execution of their Office, shall be deemed and taken to be Runners of Foreign Goods and Commodities, within the Intent and Meaning of One Act of Parliament made in the Eighth Year of the Reign of His said late Majesty King George the First, Intituled, *An Act to prevent the clandestine Running of Goods, and the Danger of Infection thereby, and to prevent Ships breaking their Quarantine; and to subject Copper Ore of the Production of the British Plantations to such Regulations as other enumerated Commodities of the like Production are subjct*, although no Proof shall be given or made that such Tea, Brandy, Spirits, or other Goods or Commodities were run, or had not been duly entred, and paid the Duties chargeable thereon; but the Proof of such Entry and Payment of the Duties, and of the Manner how the said Persons so found with the said Goods and Commodities came by

deemed Runners of foreign Goods within the Meaning of the Act 8 Geo. I.

The Proof of Entry and Payment of Duties to ly on the Persons found with the Goods.

Anno Regni nono Georgii II. Regis.

by the same, shall wholly ly on such Person and Persons; and all and every Person and Persons being convicted of or for any of the said Offences, shall be adjudged guilty of Felony, and shall for his, her, or their Offence, be transported as a Felon or Felons to some One of His Majesty's Colonies or Plantations in *America*, there to remain for the Space of Seven Years, in such Manner as Felons are appointed to be transported by the said Two Acts made for that Purpose in the Fourth and Sixth Years of the Reign of His Majesty King *George* the First, herein before particularly mentioned; and if any such Offender or Offenders shall return into *Great Britain* or *Ireland* before the Expiration of the said Seven Years, he or they so returning shall suffer as Felons, and have Execution awarded against him, her, or them, as Persons attainted of Felony without Benefit of Clergy.

And be it further enacted by the Authority aforesaid, That all the Goods, Wares, and Merchandizes, so found, as aforesaid, and all

Ann
all V
offer
or v
as af
of t
and
Carr
Bags
of a
said,
A
the
any
cise
Eye
dang
fend
men
the
such
soev
wou
preh
app
ter
ders
and
so r
fore
tion
ders
war

all Weapons and Arms, as well ^{All Goods,}
offensive, as defensive, found upon ^{Weapons,}
or with such Person or Persons, ^{Cattle, and}
as aforesaid, and all the Furniture ^{Package of}
of their and every of their Horse ^{Goods so}
and Horses, and other Cattle and ^{found, for-}
Carriages, and the Chests, Boxes, ^{feited.}
Bags, Casks, and other Package
of all Goods, so found, as afore-
said, shall be forfeited and lost.

And be it further enacted by
the Authority aforesaid, That if
any Officer of the Customs or Ex-
cise shall lose any Limb, or an ^{The 50 l.}
Eye, or be otherwise maimed, or ^{Reward}
dangerously wounded, by any Of- ^{to Persons}
fender or Offenders herein last ^{wounded,}
mentioned, in the Execution of ^{in appre-}
the Duty of his Office, or if any ^{hending,}
such Officer, or other Person what-
soever, shall be so maimed or
wounded, as aforesaid, in the ap-
prehending, or endeavouring to
apprehend, or making Pursuit af-
ter any such Offender or Offen-
ders, all and every such Officer
and Officers, Person and Persons,
so maimed and wounded, as a-
foresaid, shall, upon the Convic-
tion of such Offender or Offen-
ders, have and receive, as a Re-
ward, the Sum of Fifty Pounds
over

Anno Regni nono Georgii II. Regis.

and to the
Executors
of Per-
sons killed
in appre-
hending,

over and above any other Reward that he or they shall be intitled to by virtue of this Act; and in Case any Person or Persons shall happen to be killed in the taking or apprehending, or endeavouring to apprehend, or in making Pursuit after any such Offender or Offenders, that then the Executors or Administrators of such Person or Persons so killed, as aforesaid (upon Certificate under the Hands and Seals of the Justice or Justices of Assize for the County where the Fact was done, or the Two next Justices of the Peace, of such Person or Persons being so killed, which Certificate the said Justice or Justices, upon sufficient Proof before him or them made, is and are hereby required immediately to give without Fee or Reward) shall have and receive the Sum of Fifty Pounds over and above any other Reward that the Person or Persons, so killed, his, her, or their Executors or Administrators shall or may be intitled to by virtue of this Act.

And be it further enacted, That from and after the said Twenty
fourth

Anno
fourth
seven
person
three
Offen
oned
discov
the C
or Sco
son or
guilty
such C
victed
Disco
the S
such
convic
other
which
intitl
now
An
Auth
missio
cise
spect
Rew
tivel
sever
shall
afore
ver

fourth Day of *June*, One thousand and to the
seven hundred and thirty six, if any Discover-
person or persons shall, within rers of
three Months after any of the said their Ac-
complices,
Offences herein last before menti-
oned shall have been committed,
discover to the Commissioners of
the Customs or Excise in *England*
or *Scotland* respectively, any per-
son or persons who shall have been
guilty of any such Offence, so as
such Offender or Offenders be con-
victed thereof, such Discoverer or
Discoverers shall have and receive
the Sum of Fifty Pounds for every
such Offender so discovered and
convicted, over and above any
other Reward or Recompence,
which he, she, or they may be
intitl'd to by any Law or Statute
now in being.

And be it further enacted by the to be paid
Authority aforesaid, That the Com- by the re-
missioners of the Customs and Ex- spective
cise in *England* and *Scotland*, re- Receivers
spective, shall cause the several General,
Rewards in this Act before respec- by Order
tively mentioned to be paid to the of the
several and respective Persons who Commis-
shall become intitl'd thereto, as sioners,
aforesaid, by the respective Recei-
ver General or Cashier, or other
proper

on Certifi-
cate of the
Judge
of the
Offender's
Convicti-
on.

Commis-
sioners to
adjust the
Shares in
case of
Difference.

proper Officer of the Customs and Excise for the Time being, out of any publick Money in his or their Hands, under the Management of the said Commissioners, upon producing to them a Certificate or Certificates under the Hand or Hands of the Judge or Judges of the Court before whom such Offender or Offenders shall be tried, certifying his, her, or their Conviction, or upon producing such Certificate of any such persons being so killed, as aforesaid, as is herein before mentioned; and that if any Dispute shall arise between the persons so intitled to the said Rewards, or any of them, about their respective Shares and Proportions thereof, the same shall be divided to and amongst such Persons as aforesaid, in such Shares and Proportions, as to the said Commissioners of the Customs or Excise respectively, or to the major Part of them, shall seem just and reasonable; and the Money paid by any Receiver General, Cashier, or other Officer, as aforesaid, shall be accepted of, and allowed in his Accounts, as so much Money paid to His Majesty, and every such Officer is and shall

Anno
shall
acco
Usag
stand
A
Auth
form
befo
jesty
Cour
ever
are
loite
the
gabl
son
Inte
the
awa
med
law
stic
Per
befo
his
for
der,
befo
stic
son
Acc
Cal

shall be hereby discharged thereof accordingly ; any Law, Custom, or Usage, to the contrary notwithstanding.

And be it further enacted by the Persons Authority aforesaid, That upon Information to be given upon Oath before any One or more of His Majesty's Justices of the Peace in any County, City, or Liberty whatsoever, that any person or persons are or shall be lurking, waiting, or loitering, within Five Miles from the Sea Coast, or from any navigable River, and that there is Reason to suspect that they wait with Intent to be aiding and assisting in the running, landing, or carrying away, any prohibited or uncustomed Goods, it shall and may be lawful to and for every such Justice or Justices to cause all such Persons to come and be brought before him or them, and to grant his or their Warrant or Warrants for the apprehending such Offender, and bringing him or them before any of His Majesty's said Justices of the Peace, and if such Persons shall not give a satisfactory Account of themselves, and their Callings and Employments, or otherwise

not giving
a satisfac-
tory Ac-
count to
the Justice,
to be sent
to the
House of
Correc-
tion, whipt,
and kept
to hard
Labour.

20 s. Re-
ward per
Head to
the Infor-
mer of
such Of-
fenders, to
be paid by
the Com-
mission-
ers.

therwise make it appear, to the Satisfaction of such Justice or Justices, that they are not to be imployed or concerned in, or to be aiding or assisting in the carrying on any fraudulent or clandestine Trade, or unlawful Business or Occupation, and are not at such Place, as aforesaid, with Intent to carry on the said clandestine Practices, then every Person who shall not give such Account and Satisfaction to such Justice or Justices shall be committed to the House of Correction, there to be whipt and kept to hard Labour for any Time, which such Justice or Justices shall in his or their Discretion think meet, not exceeding One Month, and that the Commissioners of the Customs or Excise respectively shall cause to be paid to the Person or Persons informing of such Offender or Offenders, a Reward of Twenty Shillings *per* Head for every such Offender, so taken as aforesaid.

Provided always, and be it further enacted by the Authority aforesaid, That if any such Person so brought before such Justice or Justices, shall desire Time for the making

making it appear that he or they Persons so
is or are not concerned in any of apprehen-
the fraudulent or clandestine Prac- ded, defi-
tices above mentioned, such Per- ring Time
son or Persons shall not be punish- to clear
ed by Whipping, or other Correc- themselves
tion; but that then, and in every of the Ac-
such Case, it shall and may be law- cusation,
ful to and for every such Justice and
Justices to commit such Person and to be only
Persons to the common Goal, there commit-
to remain and continue until he or ted to Pri-
they shall give such Account of him son, till
or themselves, or make Proof of Satisfac-
the Matters aforesaid, to the Satis- tion, or Se-
faction of such Justice or Justices, curity gi-
or until such Person or Persons shall ven, not to
give and find good and sufficient be guilty
Security, to the Approbation and of the like
Satisfaction of the said Justice or Offences.
Justices, not to be guilty of any of
the said Offences, or fraudulent,
clandestine, or indirect Practices.

And be it further enacted by the Tea, Bran-
Authority aforesaid, That from and dy, &c.
after the said Twenty fourth Day offered to
of June, One thousand seven hun- Sale, with-
dred and thirty six, if any Person out a Per-
shall offer any Tea, Brandy, Ar- mit, may
rack, Rum, or other Strong Wa- be stop-
ters, or Spirits, to Sale, not ha- ped, on Su-
ving a Permit for the same, or if spicion.

The Per-
son stop-
ping such
Goods
may pro-
secute in
his own
Name, and

any Hawker, Pedlar, Petty Chap-
man, or any other Trading Person
or Persons going from Town to
Town, or to other Mens Houses,
and trading either on Foot, or with
any Horse or Horses, or other
Cattle, or otherwise, within the
Kindom of *Great Britain*, shall of-
fer any such Tea, Brandy, or o-
ther Spirits, to Sale, although such
Hawker, Pedlar, or Trading per-
son or persons, shall have a Permit
for the same, it shall and may be
lawful to and for every person and
persons, to whom the same shall
be so offered to Sale, to stop, arrest,
seize, and detain all such Tea,
Brandy, or Spirits, and carry the
same to the next Warehouse be-
longing to the Customs, or Excise,
and to bring the person and persons
so offering the same to Sale, before
any One of His Majesty's Justices
of the Peace, to be by him commit-
ted to Prison, and prosecuted, for
the Penalties and Forfeitures in-
curred for such Offence; and such
Tea, Brandy, or other Spirits, shall
and may be prosecuted in the Name
of such person or persons who stop-
ped or seized the same, in like
Manner as if the said Goods had
been

Anno
been
Custo
demn
mitm
ing,
seizin
be in
gross
Good
of th
tivel
cordi
son o
Good
miss
till t
fold,
Poun
for c
zed,
per
cate
or J
fend
and
Mon
be r
such
Usa
ding
A

been seized by any Officer of the Customs or Excise; and after Condemnation of the Goods, and Commitment of the Persons so offending, as aforesaid, the Persons so seizing the same, as aforesaid, shall be intitled to One third Part of the gross Produce of the Sale of such Goods, which the Commissioners of the Customs and Excise, respectively, are to cause to be paid accordingly; and in case such person or persons, so seizing the said Goods, shall desire it, the said Commissioners shall in the mean Time, till the said Goods can be publickly sold, cause One Shilling for every Pound of Tea, and One Shilling for every Gallon of Brandy so seized, to be paid or advanced to such person or persons, upon a Certificate under the Hand of such Justice or Justices, of such Offender or Offenders being committed to Prison, and after the Sale of such Goods, the Monies so paid or advanced shall be replaced out of the Produce of such Sale; any Law, Custom, or Usage to the contrary notwithstanding.

on Recovery be intitled to a Third Part of the Produce at Sale.

Commissioners to advance 1 s. per Pound for Tea, and 1 s. per Gallon of Brandy, so seized, to the Prosecutor, till Sale.

And be it further enacted by the

Anno Regni nono Georgii II. Regis.

Authority aforesaid, That from and after the said Twenty fourth Day of *June*, One thousand seven hundred and thirty six, all Watermen, Carmen, Porters, and other Persons whatsoever, employed in carrying any Goods, Wares, or Merchandizes prohibited, run, or clandestinely imported, upon whom, or in whose Custody, the same shall be found, or seized, knowing the same Goods to be prohibited, or to have been clandestinely run, or imported, without Payment of the Duties of Customs or Excise, respectively, and who shall be thereof lawfully convicted upon his, her, or their Appearance or Default, upon the Oath or Oaths of One or more credible Witness or Witnesses, or by the Confession of the Party before One or more Justice or Justices of the Peace of the County, Division, or Liberty where such Offence shall be committed, or the Offender found (which Oath such Justice or Justices of the Peace are hereby authorized and required to administer) shall forfeit treble the Value of all such Goods so found and seized, One Moiety thereof

thereof to the Informer, the other Moiety to the Poor of the Parish where such Offence shall be committed; the same to be levied by Distress and Sale of the Offender's Goods or Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices before whom such Offender shall be convicted, as aforesaid; and for want of such Distress, every such Offender shall, by such Justice or Justices, be committed to the House of Correction, there to be whipt, and kept to hard Labour, for any Time that such Justice or Justices of the Peace shall, in his or their Discretion, judge meet, not exceeding Three Months.

And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of *June*, One thousand seven hundred and thirty six, where any Ship or Vessel whatsoever, coming or arriving from foreign Parts, and having on Board six Pounds of Tea, or any foreign Brandy, Arrack, Rum, Strong Waters, or other Spirits whatsoever, in Casks under Sixty Gallon (except only for the Use of the Seamen then belonging

arriving from foreign Parts with 6 Pounds of Tea on Board, or Brandy, &c. in Casks under 60 Gallons (except for the Use of the Seamen)

hovering
within 2
Leagues of
the Shore,

all such
Goods
with the
Package
to be for-
feited.

longing to and on Board such Ship or Vessel, not exceeding Two Gallons for each Seaman) shall be found at Anchor, or hovering within the Limits of any of the Ports of this Kingdom, or within Two Leagues of the Shore, or shall be discovered to have been within the Limits of any Port, and not proceeding on her Voyage, Wind and Weather permitting (unless in case of unavoidable Necessity, and Distress of Weather, of which Necessity and Distress, the Master, Purser, or other Person having or taking the Charge or Command of such Ship or Vessel, shall give Notice to, and make Proof of before the Collector, or other Chief Officer of the Customs of such Port, as aforesaid, immediately after the Arrival of such Ship or Vessel into the said Port) all such Tea, foreign Brandy, Arrack, Rum, Strong Waters, and Spirits, together with the Chests, Boxes, Casks, and other Package whatsoever, containing the same Goods, or the Value thereof, shall be forfeited and lost (whether Bulk shall then have been broken, or not) and the same Goods and Package shall and may be

Ann
be f
Valu
Offic
or E
Form
any l
contr
An
frequ
Sea
Port
ly la
vent
nact
Tha
War
ter t
temb
dred
Boat
ken
Ship
the
any
(w
wit
Por
of
due
less
or
wh

be seized and prosecuted, or the Value thereof be sued for, by any Officer or Officers of the Customs or Excise, in such Manner and Form as herein after is expressed; any Law, Statute, or Custom to the contrary notwithstanding.

And whereas foreign Goods are frequently taken out of Ships at Sea without the Limits of any Port, with Intent to be fraudulently landed in this Kingdom, for preventing thereof, be it further enacted by the Authority aforesaid, That in Case any foreign Goods, Wares, or Merchandizes, shall, after the Twenty ninth Day of September, One thousand seven hundred and thirty six, by any Ship, Boat, or Vessel whatsoever, be taken in at Sea, or put out of any Ship or Vessel whatsoever within the Distance of Four Leagues from any of the Coasts of this Kingdom (whether the same be within or without the Limits of any of the Ports thereof) without Payment of the Customs, and other Duties due and payable for the same (unless in case of apparent Necessity, or some other lawful Reason, of which the Master or other Person

After 29
Sept. 1736.
foreign
Goods taken in or
put out of
any Vessel
within 4
Leagues
of the
English
Coasts
without
Payment
of Customs
(unless in
case of
apparent
necessity)

to be forfeited, and the Master, &c. to forfeit treble the Value,

and the Vessel forfeited, if nor above 100 Tuns.

having Charge of such Ship, Vessel, or Boat, so taking in the same, shall give immediate Notice to, and make Proof before the Chief Officer or Officers of the Customs of the first Port of this Kingdom where he shall arrive) such Goods, Wares, and Merchandizes, shall be forfeited and lost, and the Master, or other Person having Charge of such Ship, Vessel, or Boat so taking in the same, and all such Persons who shall be aiding, assisting, or otherwise concerned in the unshipping or receiving of the said Goods, Wares, or Merchandizes, shall forfeit treble the Value thereof; and the Ships, Boats, and Vessels, into which the said Goods, Wares, and Merchandizes shall be unshipped and taken in, shall also be forfeited and lost, any Ship, Boat, or Vessel, so to be forfeited and lost, not exceeding the Burden of One hundred Tuns; and the Master, Purser, or other Person taking Charge of such Ship or Vessel, out of which such Goods shall be taken (unless in Case of such apparent Necessity, or other lawful Reason, whereof Notice shall be given by him, and Proof be made,

as

as afor
ble the
shippe
feiture
vered
after n

Ano
Autho
Perso
offer
Rewa
or O
cise,
custo
be r
any
Goo
wher
fraud
such
ever
fam
cept
of
and
her

A
Aut
ety
For
sha
Hi

as aforesaid) shall also forfeit treble the Value of the Goods so unshipped, as aforesaid ; which Forfeitures shall be divided and recovered in such Manner as is herein after mentioned.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall offer any Bribe, Recompence, or Reward whatsoever, to any Officer or Officers of the Customs or Excise, to connive at, or permit any customable or prohibited Goods to be run on Shore, or to connive at any false or short Entry of any such Goods, or to do any other Act whereby His Majesty might be defrauded in his said Revenues, every such Person and Persons shall, for every such Offence (whether the same Offer or Proposal shall be accepted, or not) forfeit the Sum of Fifty Pounds, to be recovered and divided in such Manner as herein after is mentioned.

And be it further enacted by the Authority aforesaid, That one Moiety of the several Penalties and Forfeitures in this Act mentioned shall be to the Use of His Majesty, His Heirs, and Successors, and the other

50/ Penal-
ty on offe-
ring to
bribe an
Officer to
Conniv-
vance, &c.

Forfeitures how
to be reco-
vered and
distribut-
ed.

Anno Regni nono Georgii II. Regis.

other Moiety shall be to the Use of such Person and Persons as shall inform, prosecute, or sue for the same (except in such Cases where any other Appropriation or Distribution of the said Penalties is made by this Act, or by any other Act or Acts) and that all the same Penalties and Forfeitures shall and may be prosecuted and sued for, and the Causes and Controversies arising thereupon, tried, heard, and determined, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer at *Edinburgh* respectively (except where any Provision to the contrary is made by this or any other Law or Statute now in Force) wherein no Essoign, Protection, Wager of Law, or more than one Impar lance shall be allowed.

And for the better and more impartial Trial of any Indictment or Information which shall be found, commenced, or prosecuted, for any Assault made or committed upon any of the Officers of the Customs or Excise; be it further enacted by the Authority aforesaid, That all and every the said Offence and Offences shall and may be enquired of, examined, tried,

ACTIONS of
Assault upon
Officers may
be tried in
any County
of Eng-
land.

Anno
ed, an
ty wit
called
and F
had b
An
reign
led in
the L
conce
last o
vate
the C
or di
ing
Duti
any
less
ing
or O
med
Auth
whic
afor
ther
Vest
ster
Rep
whi
mer
be
ma

ed, and determined, in any County within that Part of *Great Britain* called *England*, in such Manner and Form as if the same Offence had been therein committed.

And whereas in Ships from foreign Parts Goods are often concealed in false Bulk Heads, between the Linings and false Knees, or in concealed Lockers, or in the Ballast or false Package, and other private Places, which the Officers of the Customs cannot easily find out or discover, in order to their being landed without Payment of Duties, and such Goods are not by any Law liable to Forfeiture, unless the same be found after clearing the Ship by the proper Officer or Officers of the Customs ; for Remedy whereof be it enacted by the Authority aforesaid, That all Goods which shall be found concealed, as aforesaid, or concealed in any other Place on Board any Ship or Vessel at any Time after the Master thereof shall have made his Report at the Custom-house, and which shall not be comprized or mentioned in the said Report, shall be forfeited and lost, and shall and may be seized and prosecuted by any

All Goods found concealed after the Master's Report at the Custom-house, forfeited,

and the
Master,
&c. to
forfeit tre-
ble the
Value.

any Officer or Officers of the Customs, and the Master, Purser, or other Person having the Charge or Command of such Ship or Vessel (in case it can be made appear that he was any Ways consenting or privy to such Fraud or Concealment) shall forfeit treble the Value of the Goods so found, to be divided and recovered in such Manner as herein before is mentioned.

And whereas the Punishment to which such Persons as shall forcibly obstruct or hinder any Officer of the Customs or Excise, being on Board any Ship, Boat, or Vessel within the Limits of any of the Ports of this Kingdom, are liable by Law, hath proved insufficient; for preventing the said Offences, be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of *June*, One thousand seven hundred and thirty six, if any Officer or Officers of the Customs or Excise, being on Board any Ship, Boat, or Vessel within the Limits of any of the Ports of this Kingdom, be forcibly hindred, opposed, obstructed, wounded, or beaten in the due Execution of his or their Office or Duty, by

Persons
forcibly
obstruc-
ting or
wounding
Officers on
Board in
the Execu-
tion of
their Offi-
ces, to be
transport-
ed, not
exceeding
7 Years,

by any
ever,
all and
forcibl
structi
said O
cution
such
Alist
of, sh
before
fender
sport
Colon
ca, f
shall
Year
one
of th
King
Men
furt
and
effec
and
and
Poi
one
Ye
Ma
bet
an

by any Person or Persons whatsoever, either in the Day or Night, all and every Person and Persons so forcibly hindring, opposing, obstructing, wounding, or beating the said Officer or Officers in the Execution of his or their Office, and all such as shall act in their Aid or Assistance, being convicted thereof, shall, by Order of the Court, before whom such Offender or Offenders shall be convicted, be transported to some of His Majesty's Colonies and Plantations in *America*, for such Term as such Court shall think fit not exceeding seven Years, in the same Manner as by one Act made in the Fourth Year of the Reign of His late Majesty King George the First, of Glorious Memory, intituled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wooll, and for declaring the Law upon some Points relating to Pirates*, and by one other Act made in the Sixth Year of the Reign of his said late Majesty, intituled, *An Act for the better preventing Robbery, Burglary, and other Felonies, and for the more effectual*

as other Felons by the Acts 4 & 6 Geor. I.

Anno Regni nono Georgii II. Regis.
effectual Transportation of Felons, the
 Offenders therein mentioned are
 to be transported to the said Co-
 lonies and Plantations ; and if
 any such Offender or Offenders
 shall return into *Great Britain* or
Ireland before the Expiration of the
 said Term, contrary to the Intent
 and Meaning hereof, he or they so
 returning shall suffer as Felons, and
 have Execution awarded against
 them as Persons attainted of Fe-
 lony, without Benefit of Clergy.

Officers
 may go
 on Board
 coasting
 Vessels,
 and search
 for prohi-
 bited
 Goods,

And be it further enacted by the
 Authority aforesaid, That from and
 after the said Twenty fourth Day
 of *June*, One thousand seven hun-
 dred and thirty six, it shall and may
 be lawful to and for any Officer or
 Officers of the Customs or Excise,
 producing his or their Warrant or
 Deputation, Warrants or Deputa-
 tions (if required) to go on Board
 and enter into any coasting Ship or
 Vessel, which shall be within the
 Limits of any of the Ports of this
 Kingdom, and to rummage and
 search the Cabbin, and all other
 Parts of all such coasting Ships or
 Vessels for prohibited and uncusto-
 med Goods, and such Officer or Of-
 ficers is and are hereby authorized
 and

Ann
 and i
 on Bo
 durin
 same
 Limi
 said
 what
 mole
 Offic
 goin
 such
 the e
 bin,
 very
 for e
 lose
 Poun
 red
 fore
 A
 Aut
 Perf
 shal
 Vict
 whe
 stro
 tale
 Day
 seve
 kno
 tert
 gain

and impowered to stay and remain and continue on Board all such Ships and Vessels, during the whole Time that the same shall continue within the Limits of any such Port, as aforesaid; and if any Person or Persons whatsoever shall obstruct, oppose, molest, let, or hinder any Officer or Officers of the Customs or Excise, in going or remaining on Board any such coasting Ship or Vessel, or in the entering or searching the Cabin, or any other Part thereof, every such Person and Persons shall for every such Offence forfeit and lose the Sum of One hundred Pounds, to be divided and recovered in such Manner as herein before is expressed.

And be it further enacted by the Authority aforesaid, That if any Person or Persons who keep or shall keep any Tavern, Alehouse, Victualling house, or other House where Ale, Wine, Brandy, or other strong Liquors shall be sold by Retail, shall, after the Twenty ninth Day of *September*, One thousand seven hundred and thirty six, knowingly receive, harbour, or entertain any Person or Persons against whom any *Capias* or other Process, 100 l. Penalty on Alehouse Men, &c. knowingly harbouring any Person against whom Process hath issued for obstructing Officers, &c.

Anno Regni nono Georgii II. Regis.

Process of Arrest shall have issued, for having beat, abused, or obstructed any Officer or Officers of the Customs or Excise in the Execution of their Office, or for any Offence or Offences that are or shall be committed against any of the Laws now in being, for preventing Frauds in relation to the Revenues of Customs or Excise, or for any Crime or Crimes whatsoever that shall be committed or done in prejudice of the said Revenue, and to which *Capias* or other Process the Sheriff or other Officer having Execution of the said Process shall have returned, that such person or persons cannot be found, and which person or persons shall not have appeared to the said process, or for any other Offence, Fraud, or Misdemeanor in this Act mentioned, or to the prejudice of His Majesty's Customs or Excise, or shall knowingly harbour, receive or entertain any person or persons, who having been in prison for any of the said Offences, shall have escaped, or who shall have been convicted for the same, and shall fly from Justice, shall forfeit One hundred pounds, to be recovered
and

and divided in such Manner as is herein before expressed, and be rendred incapable of having a Licence for keeping, or of keeping any Tavern, Alehouse, or Victualling House, or selling Wine, Ale, Brandy, or other strong Liquors by Retale, for the future.

Provided nevertheless, That no Persons shall suffer any Penalty ^{after 6} Days Notice in the or Disability for such receiving, ^{Gazette} of such publick Notice shall have been first ^{Person's} given, six Days before, in Two ^{abscn-} successive Gazettes, of the abscn- ^{ding, and} ding of the Person or Persons ^{Writing} who shall be so received, harbour- ^{fixed to} ed, or entertained, and also by ^{the Door} Writing to be fixed to the Door ^{of the} Church. of the Parish Church, where such Person or Persons last dwelt before his absconding.

And whereas it hath been found by Experience, that the Bailiffs and other Officers having the Execution of Procces in the several Counties, Cities, and Liberties of this Kingdom, often hold Correspondence with the Persons guilty of the several illegal Practices herein before mentioned, and give them Notice when any Writ or

D

Procces

Anno Regni nono Georgii II. Regis.

Process issues against them, whereby they escape from Justice, for Remedy thereof be it further Enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of *June*, One thousand seven hundred and thirty six, where any Writ of *Capias*, or other Process, shall issue out of any Court, directed to any Sheriff, Mayor, Bailiff, or other Person having the Execution of Process in any County, City, or Liberty, against any Person who shall be guilty of, or prosecuted for, any Offence whatsoever, contrary to any of the Laws or Statutes now in being relating to His Majesty's said Revenues of Customs or Excise, every such Sheriff, Mayor, or Bailiff, and other Persons having Execution of Process, as aforesaid, and their and every of their Undersheriffs, Deputies, and other Persons acting for them in the said Office and Offices respectively, shall, and are hereby enjoined and required, upon the Request or Application of any One of the known Solicitors for the Customs or Excise (such Request to be in Writing indorsed

Sheriffs,
Mayors,
&c. on
request in
Writing of
a known
Solicitor
for the
Customs
or Excise,
to grant
special
Warrants
for apprehending
Offenders.

indorsed upon the Back of the said Process, and signed by such Solicitor, with his Name and Addition of *Solicitor for the Customs or Excise* (as the Case shall happen to be) to grant a special Warrant or Warrants to such Person or Persons as shall be named to them by such Solicitor, for the apprehending such Offender and Offenders, or, in Default thereof, every such Sheriff, Mayor, Bailiff, Under-sheriff, and other Person acting in the said Office or Offices, respectively, shall be subject and liable to such Process of Contempt, Fines, Amerciaments, Penalties, and Forfeitures, as they or any of them are now by any Law, Custom or Usage liable to in Case of refusing or neglecting to execute the like Process, where the Defendant might have been taken thereupon, in the common and usual Method of Proceeding.

And it is hereby declared and enacted, That all and every such Sheriff, Mayor, Bailiff, Under-sheriff, and other Person so granting or making out such special Warrant, as aforesaid, shall be, ^{Sheriff, Mayors, &c. granting such special Warrants, saved} and

Anno Regni nono Georgii II. Regis.

and they are hereby saved harmless and indemnified, against His Majesty, his Heirs, and Successors, and against all and every other Person and Persons whomsoever, of and from all Escapes of any Person or Persons, who shall or may be taken by Virtue of any such Warrant, as aforesaid, which shall or may happen from the Time of the taking such Offender or Offenders, till he, she, or they shall be committed to the proper Goal or Prison, or offered and tendered to the Goal-keeper, or other Person having Charge of such Goal or Prison, (who is hereby enjoined and required to receive every such Person or Persons so apprehended, as aforesaid, and give a Receipt for his and their Body and Bodies) and of and from all Actions, Prosecutions, Process of Contempt and other Proceedings whatsoever, for or by Reason of any such Escape; any Law, Custom, or Usage to the contrary thereof in any wise notwithstanding.

And whereas by the present Practice of the Court of Exchequer, and elsewhere, it is become necessary
for

for all Officers of the Customs and
Excise, and other Officers of the
Revenue, upon the Trial of any In-
formation of Seizure, to give Proof
of the exact Method and Manner
of making the Seizure, with an
Account of the Form of Words
used on that Occasion, notwithstan-
ding the Defendant in such Cause
does, on the claiming of such
Goods, acknowledge that a Seizure
of them hath been made, whereby
there often happens a Failure of
Justice, and His Majesty, and the
Officer making the Seizure, and
prosecuting the same, are frequent-
ly defeated of their Right, without
entring into the Merits of the
Cause; for Remedy thereof be it
further enacted by the Authority In Trials
aforesaid, That on all Trials of of Sei-
Seizures whatsoever in the Court zures,
of Exchequer, or elsewhere, the Judges to
Seizure, together with the Method proceed to
and Form of making it, shall be the Merits
taken to have been made by the of the
Person or Persons who shall inform Cause,
and sue for the same, and to be without
done in the Manner as set forth in inquiring
the Information, without any E- into the
vidence thereof; and all Judges Fact or
and Justices of the Peace, before Form of
whom making
the Sei-
zure.

Anno Regni nono Georgii II. Regis.

whom any such Seizures shall be brought to Trial or Hearing, are hereby required to proceed to the Trial of the Merits of the Cause, without inquiring into the Fact, Form, or Manner of making the Seizure.

And whereas it frequently happens that several evil minded and desperate Persons, in order to carry on without Controul the wicked Practices aforesaid, do, in a publick and avowed Manner, and with an armed Force, pass and repass through several Countries with large Quantities of Tea, Brandy, and other prohibited and uncus-
tomed Goods, whereby the Officers of His Majesty's Customs and Excise are either deterred from doing their Duty, or in doing it are beat, wounded, maimed, and frequently murdered; for Remedy whereof be it enacted by the Authority aforesaid, That if any Person or Persons passing, as aforesaid, with prohibited or uncus-
tomed Goods, and armed with Guns, Pistols, Cutlasses, or other offensive Weapons, shall hinder, molest, or resist, any Officer or Officers of the Customs or Excise, who, in the Execution of
his

Officers
and their
Assistants
may op-
pose Force
to Force.

his or their Duty, shall endeavour or offer to search for, take, or seize, any prohibited or uncustomed Goods from any Person or Persons so passing with such Goods, and armed as aforesaid, by beating, maiming, or wounding any of the Officers abovementioned, or other Persons acting in their Assistance, that then, and in every such Case, it shall and may be lawful for all Officers of His Majesty's Customs or Excise, and all Persons by them called to their Assistance, who are so resisted, to oppose Force to Force, and to endeavour by the same Methods that are violently used against them, and by which their Lives are endangered, to defend themselves, and execute the Duty of their Office ; and if any Person, so hindering, molesting, or resisting the Officers aforesaid, or their Assistants, shall, in so doing, be wounded, maimed, or killed, and the said Officers, and their Assistants, shall be sued, molested, or prosecuted for the said beating, maiming, or killing such Officer and Officers, and Person and Persons acting in their Assistance, shall and may plead the General Issue, and

and when carried before a Justice for wounding or killing any Person in such Cases, shall be admitted to Bail.

and give this Act and the special Matter thereof in Evidence in his and their Defence; and all His Majesty's Justices of the Peace, and other Justices and Persons, before whom any such Officer or Officers, or other Persons acting in their Assistance, shall or may be brought, for or on account of any such wounding, maiming, or killing, as aforesaid, are hereby authorized and impowered, enjoined and required, to admit every such Person and Persons, so brought before him or them, as aforesaid, to Bail; any Law, Usage, or Custom, to the contrary notwithstanding.

This Act nor to indemnify any Person prosecuted by the *East India Company*. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to indemnify, release, or discharge any Person or Persons from or against any Suit, Information, or Prosecution, by or on the Behalf of the united Company of Merchants of *England* trading to the *East Indies*, commenced, or to be commenced, as well for His Majesty, His Heirs, or Successors, as for themselves, or for themselves only, or from or against any Penalty, Forfeiture, or Demand, or Right of Suit for the same,

Anno Regni nono Georgii II. Regis.

57

same, which the said united Company are by Law intituled unto; any Thing in this Act contained to the contrary in any wise notwithstanding.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Person for any thing done in pursuance of this Act, the Defendant, or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants; and if the plaintiff shall be nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict, or Demurrer against the plaintiff, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same, as Defendants have in other Cases by Law.

General
Issue.

Treble
Costs.

The Court. Provided always, That nothing
of Kings in this Act contained shall extend,
Bench, or Justiciary or be construed to extend, to re-
in Scotland, strain His Majesty's Court of
not re- King's Bench, or any of the Judges
strained thereof, or the Court of Justiciary
from bail- in Scotland, respectively, from bail-
ing Per- ing any Person committed for Fe-
sons com- lony by virtue of this Act, in such
mitted on lony by virtue of this Act, in such
his Act Manner as they may by Law do
in other Cases of Felony.

F I N I S.



Regis.
thing
attend,
to re-
rt of
udges
ciary
bail-
Fe-
such
v do